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ABSTRACT

Intended for direct service special education personnel, the paper traces the origin of the Education for All Handicapped Children Act (P.L. 94-142): examines the legislation and litigation which preceded its enactment: discusses its funding mechanism: reviews its relationship to Section 504 of the Rehabilitation Act of 1973: and looks at several of its major components (including nondiscriminatory testing, evaluation procedures, least restrictive environment, procedural safeguards, due process, and the individualized education program). Some issues and concerns relative to the act's implementation are discussed, and a suggested handbook is outlined, focusing on those elements of P.L. 94-142 which are crucial for its implementation both in letter and in spirit. Among the appendixes are an exceptional student education organizational chart, a step by step guide to placing a child, and the agenda for an inservice seminar. (Author/DLS)

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A LIVING LAW:
P.L. 94-142 AND DIRECT SERVICE PERSONNEL

PRACTICUM I SUBMITTED TO THE FACULTY OF THE
EARLY CHILDHOOD EDUCATION PROGRAM
IN CANDIDACY FOR THE DEGREE OF

DOCTOR OF EDUCATION

BY

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Abstract

The Education for all Handicapped Children Act of 1975 (P. L. 94-142) has had a major impact upon school districts throughout the nation. The implementation phase of this comprehensive piece of legislation has generated a great deal of concern, confusion, and frustration among direct service personnel. Many of the problems involved in meeting the challenges of P. L. 94-142 stem from a lack of accurate information about the law--its content as well as its intent.

This paper (1) traces the origin of P. L. 94-142, looking at the legislation and litigation which preceded its enactment; (2) discusses its funding mechanism; (3) examines its relationship to section 504 of the Rehabilitation Act of 1973; and (4) looks at several of its major components (i.e., least restrictive environment, non-discriminatory testing, individualized educational programs, etc.). The author has outlined a handbook for direct service personnel, which focuses upon those elements of P. L. 94-142 which are crucial for implementation of the law both in letter and in spirit.

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A LIVING LAW: P.L. 94-142 AND DIRECT SERVICE PERSONNEL

CHAPTER I: Introduction

Last August I was hired as an Educational Specialist by the School Board of Broward County to work as a member of the district staff in Exceptional Student Education. My primary function is coordinator of the school system's 89-313 Project.

The 89-313 Project is a federally funded program designed to initiate, expand, and improve special education and related services to handicapped children. The funds are made available to state agencies serving handicapped children, under the P.L. 89-313 amendment to Title I of the Elementary and Secondary Education Act.

Annually, a number of these children who have been served in state operated and state supported educational programs transfer out to local school districts. These students carry their eligibility for supplemental services with them, which enables the local educational agency to write projects utilizing these monies on their behalf.

P.L. 89-313 Projects are categorized as supplementary--those which do not provide direct educational services within themselves. They are designed to support and enhance ongoing comprehensive programming. The intent of 89-313 Projects is to "provide concentrated educational services for a limited number of eligible handicapped children in such a manner that an identifiable impact will be realized" (P.L. 89-313 Procedures Manual, October 1977).

What I have found during the short time I have been with the school system is that as a member of tne district staff I am asked to perform various functions which bear little or no relationship to my specific project. Exceptional Student Education, like other county level departments, is short on manpower and long on responsibilities (see attactment #1).

The Broward County Public Schools provide educational services for approximately 130,000 students utilizing a decentralized, school based management approach. However, there are numerous departments at the county level designed to provide coordination and resources to the individual schools. These include Psychological Services, Transportation, Curriculum and Instruction, Personnel, Accounting, Health Services, and Exceptional Student Education.

During my first week of employment I was invited to assist with the writing of District Procedures for Providing Special Programs for Exceptional Students. This 114 page document provides the guidelines for all exceptional programs county-wide. Being a newcomer input was limited to providing feedback (i.e., responding to the question "How would you interpret this...?"), proofreading, and collating.

District procedures must adhere to all federal, state, and local legislation. They must meet approval at the local and state level. District procedures are viewed as a working document and, therefore, are subject to frequent change.

By the time the 1978-79 procedures were compiled, I was well indoctrinated as to how Exceptional Student Education functioned in Broward County. The lessons learned during these working sessions have served me well, for I am frequently called upon to answer questions about district procedures and the laws upon which they are based and are attempting to implement.

In addition, I am involved in various projects that provide support services. I have been called upon to provide in-service sessions to school faculties. The topics to date have included "Developing an I.E.P.," "P.L. 89-313," "Developmental Curriculum for the Mentally Handicapped," "The Anatomy of An Objective," "The I.E.P. and P.P.P.," and "Grant Writing." These sessions are usually short periods of time at the end of the teaching day devoted to staff

development, a mandated component in the federal legislation for education for the handicapped.

Exceptional Student Education in conjunction with General Education has established an Early Intervention Team which screens preschool children, kindergarten, first, and second graders throughout the county. The purpose of these screenings is to identify any handicaps or potentially handicapping conditions and to provide intervention and remediation. This exciting and rather ambitious undertaking involves close coordination not only between the divisions of Exceptional Student Education and General Education, but the Health Department of Broward County, day care centers, and individual schools.

The Early Intervention Team complements the services already provided by the Child Find Program of the Diagnostic and Resource System which is another federal project administered by Exceptional Student Education.

As I become more actively involved with the functioning of this team, I realize how large and diverse the Broward County School System is. I am beginning to acquire an understanding of the logistics involved in providing educational services to a large and heterogenous population. To provide comprehensive services to children is in itself a herculean task and for the exceptional student it is further complicated by broad, new, and at this time, not fully understood federal legislation--the Education for All Handicapped Children Act of 1975 (P.L. 94-142).

CHAPTER II: Study of the Problem

Education and legislation are two of the cornerstones of our American heritage. Our laws range from that flexible and unique working document, the United States Constitution to a host of seemingly foolish and unenforceable items such as the law in Atlanta which prohibits tying a giraffe to a telephone pole or street lamp (see attachment #2).

Between these two extremes are a myriad of legislation which affects every aspect of human endeavor, including the education of our young. As our society becomes more complex and our legislation more comprehensive, our educational service delivery systems and our legal structures become more closely intertwined.

The interrelationship between education and the law is no more evident than in the area of exceptional student education especially since the passage of the Education for All Handicapped Children Act, the revision of Title VI B of the Elementary and Secondary Education Act (ESEA).

At this point in time, we are experiencing some major problems which this writer believes result from the fact that a significant number of persons who have been placed in a position of having to implement the letter of this law do not have a clear understanding of its content or intent. Parents, principals, guidance counselors, and teachers both in special education and general education are confused and concerned. A Miami Herald reporter in a recent article labeled the problem "bureaucracy" and related how it has led to a climate of frustration and even hostility between district level and direct service personnel (see attachment #3). This is hardly a conducive atmosphere for the mutual problem solving that is needed in order for us to provide "a free and appropriate education" to our exceptional students.

This educator agrees that the avalanche of paperwork and apparent bureaucratic red tape is not healthy; however, they are but a symptom of and not the cause of this situation. It is believed that the problems stem from the lack of a solid informational base, vital to fostering the philosophical acceptance, which is essential before the law can be fully implemented in spirit and intent.

In this author's opinion, in order for this piece of Federal legislation to take root and become operative in all of our classrooms, direct service professionals must become familiar with both the content and intent of the law. Many by their own admission in conversations and in requests for in-service would welcome guidance and assistance in complying with this federal legislation in accordance with District Procedures.

The Division of Exceptional Student Education is aware of this need as evidenced by the number of workshops and memorandums designed to share information about P.L. 94-142 (see attachment #4). In addition, plans are under way to prepare a variety of in-service models which will cover various aspects of the law.

CHAPTER III: Anticipated Outcome

The major goal of this practicum was to obtain a solid informational base about the law and a knowledge about delivery of services to exceptional students within Broward County, so that the researcher would be in a position to outline a handbook designed to assist classroom teachers and other direct service personnel, in their vital role as implementors of P. L. 94-142.

The remainder of this chapter examines the informational data which in the author's opinion must be understood in order to effectively and efficiently implement P.L. 94-142. It specifically traces the origin and rationale behind the passage of P.L. 94-142, paying particular attention to the laws and litigation which proceeded its enactment.

The statute and the federal regulations which reinforce and clarify it were carefully studied to determine: (1) exactly what this law, held by some as hallmark legislation, says, (2) what is its intent both in letter and in spirit? and (3) what are the arguments and concerns of its critics?

The funding processes behind this legislation and its relationship to Section 504 of the Rehabilitation Act of 1973 are also investigated. Several of the Act's major components, such as the least restrictive environment, non-discriminatory testing, and individualized educational programs, are analyzed.

Education is primarily a state function. The state derives this power from the Tenth Amendment which states: "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." The fact that there is no reference to education in the Federal Constitution, results in the

decentralization of education in the United States. Today, there are 50 individual and complex systems of education operating in America, with each state delegating a considerable amount of its authority to local school districts.

The federal government's role in education is intended to be a supportive one. "The Federal role is to foster and buttress the States and the communities in their education functions, not to control or direct this function" (Notes and Working Papers...p. 84). The constitutional basis for federal support through education has been attributed to the general welfare clause found in the preamble of the Constitution:

> We the people of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Interestingly enough, the first instance of federal support to education preceded the ratification of the Federal Constitution by four years. The Ordinance of 1785 (passed by the Congress of the Confederation) stipulated that in every township one parcel of land must be reserved for the maintenance of education. The Ordinance of 1785 established the precedent for the granting of land to aid schools in newly formed states. This policy of granted land, with no attached restrictions, was generally followed through the early part of the 19th century.

With the passage of the Morrill Act (the Land Grant College Act) in 1862 we begin to see specific requirements attached to the Land Grant. Under the provisions of this act the acreage given to the states was sold to provide funds for institutions of higher education. The Morrill Act encouraged the

teaching of "practical subjects" at the college and university levels and requested financial reports from each participating institution.

The Hatch Act of 1887, the Morrill of 1890, and the Smith-Lever Act of 1914 were the first to provide direct financial assistance to the state. It was the Smith-Lever Act which initiated the mechanism of federal matching for financing educational programs. A Federal Board of Vocational Education was created by the Smith-Huges Act (1917) giving the federal government the power to inspect, approve, and reject state programs.

In the first half of the 20th century the federal government's response to the crisis of two World Wars and an economic depression is reflected in a variety of education related Acts such as:

(1) The Soldiers Rehabilitation Act (1918) offering vocational rehabilitation to veterans of World War I,

(2) Works Progress Administration (WPA) which supported a wide range of educational programs during the depression of the 1930s,

(3) The Vocational Training for Production Workers Program to help meet the need for skilled workers during World War II,

(4) P.L. 16 (1943) and P.L. 346 (1944), more commonly known as the GI Bill, effectively provided rehabilitation to the disabled returning from the war and educational opportunities to World War II veterans.

The Russian launching of its first space satellite, Sputnik, in 1958 spurred the passage of the National Defense Education Act (NDEA). Based on the premise that our national survival depended on a sound educational system, this law provided federal funds to strengthen almost all aspects of American education at the elementary, secondary, and graduate levels.

Up to this point in our national history the federal government, with the exception of the rehabilitation legislation passed after each World War,

provided very little educational assistance of any kind to the country's handicapped students. P.L. 19-8 enacted in 1827 pertaining in part to the location of the Deaf and Dumb Asylum in Kentucky has the distinction of being the first piece of legislation affecting a handicapped population ever passed by the federal government. It was an additional 20 years before Congress enacted a second piece of legislation related to the handicapped. P.L. 29-11 passed in 1847 extended the time period within which the land granted to the Kentucky Asylum could be sold. The few pieces of legislation passed pertaining to the handicapped during the remainder of the 19th century were "limited and intended to solve localized individual problems or to meet the needs of specific disability groups such as the blind and the deaf" (LaVor, 1976, p. 96).

When the Soldiers Rehabilitation Act was passed in 1918, it did not include any provisions for similar programs for disabled civilians. Services for disabled civilians were provided two years later with the passage of the Citizens' Vocational Rehabilitation Act. This act was expanded in 1943 to provide services for the mentally ill and the mentally deficient as well as the physically impaired. In 1954 this act was amended to provide research and training programs in the field of rehabilitation. In 1965 and 1967 it was again expanded, establishing a National Committee on Architectural Barriers and a national center for deaf-blind youth and adolescents.

The nation's handicap benefited to some extent from the public assistance programs developed by the federal government. The 1935 passage of the Social Security Act and its subsequent amendments included provisions for some groups of handicapped persons. In general, though, federal legislation regarding the handicapped was either the result of circumstance as is the case following each World War or based upon the "need and/or pressures from a specific disability group (such as the blind)" (LaVor, 1976, p. 99).

In 1965 the federal government made a firm commitment to American education with the passage of the Elementary and Secondary Education Act (ESEA). This legislation authorized that a significant amount of federal monies be made available to local educational agencies to improve elementary and secondary education throughout the nation. ESEA was concerned with "educationally deprived children," making monies available to support a variety of programs and projects in school districts with a high percentage of children from low income families. Federal dollars were available to bolster school libraries and provide for audio visual equipment. Supplemental educational centers and services could be developed with funds under this act. In addition, monies were made available for research and training facilities.

The original legislation (P.L. 89-10) as enacted in April of 1965 did not include any provisions for handicapped children. However, seven months later Congress amended Title I of ESEA by enacting P.L. 89-313. This legislation provided financial assistance to state agencies which operated or supported educational programs for handicapped students.

The cornerstone for federal legislation with respect to the handicapped was laid the following year with the passage of the Elementary and Secondary Education amendments of 1966. These amendments added a new Title (VI) to the existing law which was to provide specifically for the "education of handicapped children." In its first annual report to Congress the National Advisory Committee on Handicapped Children wrote:

> This progressive legislation has created a breakthrough in the following three areas:
>
> (1) It provided Federal Grants to the States to finance educational programs for the handicapped;

(2) It established the 12-member National Advisory Committee on Handicapped Children;

(3) It created within the U.S. Office of Education a new Bureau of Education for the Handicapped (Notes and Working Papers... 1968, p. 3).

ESEA was amended again in 1967 broadening its services to handicapped children. Funds were authorized for the establishment of resource centers, recruitment of educational personnel, and dissemination of information about special education.

The Elementary and Secondary Education Amendment of 1970 (P.L. 91-230) repealed Title VI of ESEA and created in its stead a separate act, the Education of the Handicapped Act (EHA). P.L. 91-230 was divided into seven parts (A through G). The salient features of each section as reviewed in a House of Representative's report (#94-332) are:

> Part A (General Provisions) set forth the title of the bill, the definitions, provided for the Bureau of Education for the Handicapped and the National Advisory Committee on Handicapped Children, and provided for the acquisition of equipment and the construction of necessary facilities.
>
> Part B authorized grants to the States and outline areas to assist them in initiating, expanding, and improving programs for the education of handicapped children.
>
> Part C authorized grants for regional resource centers, centers for deaf-blind children, experimental pre-school and early education programs, and any research, innovation, training, and dissemination activities in connection with these centers.
>
> Part D authorized grants to institutions of higher education to assist in recruiting and training special education personnel, as well as physical education personnel.
>
> Part E established certain research and demonstration projects relating to the education of handicapped children.
>
> Part F authorized the National Center on Educational Media and Materials for the Handicapped to provide for the Bureau of Education for the Handicapped a centralized agency to coordinate the communication system between various aspects of a comprehensive media and materials development and

delivery system for making instructional media and technology available to all programs in education for the handicapped.

Part G authorized special programs for children with specific learning disabilities (Education of the Handicapped Act...1976, p. 126).

In 1974 Congress enacted P.L. 93-380. This important piece of legislation extended the EHA for three years. It addressed the needs of gifted and talented children by establishing an independent program of grant support. This comprehensive piece of federal legislation offered many significant advances on behalf of the nation's exceptional student population.

Administrative Control and direction by a Bureau of the Education of the Handicapped were strengthened to insure maximum input in advocacy on behalf of the handicapped; a goal of providing free, full educational opportunities to all handicapped children and a timetable for implementation of this goal were established; a plan from the states for the provision of due process guarantees to all children served and their parents was mandated to help insure that handicapped children and their parents or guardians are provided procedural safeguards in decisions regarding identification, evaluation, and educational placement of handicapped children; a priority in the use of Education of the Handicapped Act funds was established for children not now receiving education programs; a plan from the State that would show how all handicapped children with an education in the least restrictive environment was mandated (this plan would insure that to the maximum extent possible handicapped children, including children in public and private institutions or other care facilities, are educated with children who are not handicapped and that special classes, separate schooling, or other removal of handicapped children from the regular education environment occurs only when the

nature of severity of the handicapped is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily); and a plan was mandated which would prohibit the classification of children in a racially or culturally discriminatory manner (HR Report #94-332 in Education of the Handicapped Act..1976, p. 128).

Of paramount importance is the fact that P.L. 93-380 provided a massive increase (from one to over six million dollars) in authorization levels for state aid (Part B of EHA) for fiscal 1975. This emergency "one-year provision was adopted in order to give Congress an additional year in which to study what if any additional Federal assistance is required to enable the States to meet the needs of handicapped children" (HR Report #94-332, in EHA..., p. 128).

The passage of P.L. 93-380 was a clear indication that the Congress was becoming increasingly aware of the need to expand the federal government's fiscal role in the education of the handicapped. It became evident that provisions for permanent authorizations and a comprehensive mechanism for appropriations was necessary to assist the States in their efforts. Thus, P.L. 93-380 laid the ground work for House Bill HR 7217 and its companion Senate Bill S6. These two bills would soon become known as the Education of All Handicapped Children Act (P.L. 94-142) which superseded all of the provisions of EHA (P.L. 93-380).

United States Commissioner of Education, Harold Howe II, wrote:

We live with a great if sometimes uncomfortable legacy given to us by our Founding Fathers. The phrase "all men are created equal" can only mean that "all men should have equal opportunity." If we are to be true to our legacy and perhaps prudent concerning our own mental health, our actions must match our nobel words. Our commitment to universal

education carries no conditions. We do not say that every child is entitled to quality education except if he is poor, or except if he is mentally retarded or deaf.

As a nation, how are we to change our ways and offer more than lip service to the ideals of excellence in education for handicapped children?

Historically, the most widely recognized avenue for changing public policy toward educating our handicapped has been via the passage of laws at federal and state levels. During more recent years the judicial system has been utilized as an effective vehicle for encouraging educational change for exceptional students. With increasing frequency civil actions concerned with the rights of handicapped children and adults have been debated in United States courts throughout our land.

Turning to the courts to achieve social change and justice is not a new tradition in the United States. This strategy was used effectively by the National Association for the Advancement of Colored People (NAACP) from its inception in 1905. Their efforts culminated in a 1954 decision of the United States Supreme Court (Brown vs. Board of Education) which held that segregated schooling was unconstitutional. The labor movement of the 30s had its day in court. In the 50s and 60s the courts were used by the leaders of the civil rights movement. Low income consumers and the women's movement also resorted to the courts for aid during the 60s (Gilhool, 1973).

In the 70s, the nation's courts have become flooded with petitions seeking to uphold the "contitutional or statutory rights" of handicapped children and adults. The courts have been dealing with issues protecting the handicapped individual's right to an education, right to treatment, and right to appropriate placement. Some of the major arguments within these cases focused on:

(1) incorrect or inappropriate classification or labeling of individuals, (2) the concept of nondiscriminitory evaluation, (3) the informed involvement of parents, and (4) protection of procedural due process.

The precedent for the right to an education can be found in the 1954, Brown vs. Board of Education decision handed down by the United States Supreme Court which states:

> In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity...is a right which must be made available to all on equal terms (Education of the Handicapped Act...1976, p. 196).

This guarantee of equal educational opportunity was secured for handicapped children in two important federal cases, Pennsylvania Association for Retarded Children (PARC) vs. The Commonwealth of Pennsylvania and Mills vs. The Board of Education.

In January, 1971, a suit was brought against the state of Pennsylvania by PARC which charged that the state failed to provide a free public education to all of its retarded children. Attorneys for the 14 mentally retarded plaintiffs of school age, who were representing themselves and "all others similarly situated" (i.e., other mentally handicapped in the state) argued against public policies, laws, and procedures which excluded, postponed, or denied their clients free access to public educational opportunities. A three-judge federal district court heard testimony from expert witnesses which emphasized that:

1. The provision of systematic education programs to mentally retarded children will produce learning.
2. Education cannot be defined solely as the provision of academic experiences to children. Rather, education must be seen as a continuous process by which individuals learn to cope and function within their environment. Thus, for children to learn to clothe and feed themselves is a legitimate outcome achievable through an edutional program.

3. The earlier these children are provided with educational experiences, the greater the amount of learning that can be predicted (Abeson and Bolick, 1974, p. 2).

The court decreed that: (1) each retarded child was to receive "a free public program for education and training appropriate to the child's capacity," (2) the state must identify and provide a "free and appropriate education" to all retarded children between six and twenty-one years of age, (3) all children in special education classes be re-evaluated every two years, (4) the protection of due process procedures be applied each time a "change in educational status" is considered, (5) in local school districts where preschool programs were made available to non-handicapped students they must also be made available to mentally retarded children, (6) it was desirable to educate handicapped children in programs most like those for non-handicapped students.

Mills vs. The Board of Education of the District of Columbia was a landmark right to education case filed as a class action suit on behalf of physically, emotionally, retarded, hyperactive, and other handicapped children in 1972. The plaintiffs charged that insufficient funds were available for children requiring special education. As a result many such children were forced to remain at home denying them the right to an education, commensurate with their ability, at public expense. It was argued that though these children could benefit from specialized instruction they were frequently excluded from public education programs. The charge was made that

"the procedures by which plaintiffs are excluded or suspended from public school are arbitrary and do not conform to the due process requirements of the Fifth Amendment. Plaintiffs are excluded and suspended without: (a) notification as to a hearing, the nature of offense or status, any alternative or interim publically supported education; (b) opportunity

for representation, a hearing by an impartial arbiter, the presentation of witnesses; and (c) opportunity for periodic review of the necessity for continued exclusion or suspension" (Abeson and Bolick, p. 1).

The decision handed down by federal court Judge Joseph Waddy is of major significance in that (1) it did not apply solely to any one category of handicapped children and (2) it refused to accept the often cited argument of lack of funding as justification for inadequate or non-existent programs for exceptional children. The judge's decision stated

> If sufficient funds are not available to finance all of the services and programs that are needed and desirable in the system then the available funds must be expended equitably in such a manner that no child is entirely excluded from a publically-supported education consistent with his needs and ability to benefit therefrom. The inadequacies of the District of Columbia Public School System, whether occasioned by insufficient funding or administrative insufficiency, certainly cannot be permitted to bear more heavily on the "exceptional" or handicapped child than on the normal child.

Judge Waddy also ruled:

> That no child eligible for a publically-supported education in the District of Columbia Public Schools shall be excluded from a regular public school assignment...unless such child is provided: (a) adequate alternative educational services suited to the child's needs, which may include special education or tuition grants; and (b) a constitutionally adequate prior hearing and periodic review of the child's status, progress, and the adequacy of any educational alternative.
>
> Every school age child residing in the District of Columbia shall be provided "...a free and suitable publically-supported education regardless of the degree of the child's mental, physical or emotional disability or impairment..." within 30 days of the order.

> Children may not be suspended from school for disciplinary reasons for more than two days without a hearing and provision for his education during the suspension.
>
> ...a comprehensive plan providing for the identification, notification, assessment, and placement of the children will be submitted to the court. The plan will also contain information about the curriculum, educational objectives, and personnel qualifications (Abeson and Bolick, p. 2).

The "right to education" became firmly established as similar court cases were tried in over half of the states prompting the majority of states to adopt mandatory legislation providing services to all handicapped students. Both the PARC and Mills decisions alluded to the manner in which identification, evaluation, and placement procedures were to be conducted. Each decision decreed that specific due process procedures be established. The case of Diana vs. The State Board of Education, clearly illustrates the need for such procedures. The suit was filed in California on behalf of nine school aged, Mexican Americans.

Each of the plaintiffs who came from Spanish speaking homes were placed in classes for the mentally retarded based, it was argued, upon test scores that relied heavily upon verbal aptitude in English. The IQ scores obtained from tests standardized on a white, middle class population did not measure their true potential. When retested in their native language seven of the plaintiffs achieved scores above the cut off for placement in classes for the educable mentally retarded. In addition, it was argued that by remaining in an inappropriate educational placement the plaintiffs "fall academically further and further behind their peers."

A similar suit was filed in California on behalf of six black students. The case of Larry P. vs. Riles charged that these students "had been inappropriately classified as educable mentally retarded on the basis of a testing

procedure that failed to recognize their unfamiliarity with the White middle class culture and that ignored learning experiences they might have had in their homes" (Abeson and Zettell, 1977).

Litigation of this type led to the development of the concept of non-discriminatory evaluation. Non-discriminatory evaluation meant that the materials and procedures selected and administered for classification and subsequent placement be free of racial or cultural bias. It also encouraged that assessment data from a variety of instruments and sources be considered, by teams of professionals, in making decisions of this nature.

A series of court cases highlighted the plight of handicapped persons incarcerated in hospitals and institutions. Collectively, these suits argued that: (1) institutions conform to constitutionally required standards for diagnoses, care and treatment; (2) comprehensive treatment (habilitation) plans be developed for each resident which would include appropriate educational services; (3) these facilities employ a sufficient number of qualified staff to provide for adequate care, treatment, education and training; and (4) there be regular evaluation and reviews with efforts being made to insure the resident's return to a least restrictive environment (Abeson and Bolick, 1974, pp. 36-43). The judgments in these cases sought to correct many of the often bleak, inhumane, and non-therapeutic conditions existing in the Willowbrooks and Partlows of our nation.

Declarations and decrees handed down by the courts do not, in and of themselves, insure that inequities toward the handicapped will no longer be perpetrated. However, the legislation of the 70s, on behalf of the handicapped, did have a profound impact upon educational policy and practice. The activity of the courts throughout the country served as a catalyst for

the states and national government to enact legislation reaffirming the basic rights of citizens who happen to be handicapped.

Public Law 94-142, the Education for All Handicapped Children Act, was signed into law on November 29, 1975, by President Gerald Ford. It is a comprehensive piece of legislation representing a major evolutionary step in the federal government's increasing commitment to equal educational opportunity for all students. This law has created a great deal of dialogue and debate at all levels of the educational system. One might reasonably ask, "Why was federal legislation of this magnitude necessary?"

By 1974 almost every state in the Union had already assumed some statutory responsibility for the education of handicapped children.

> However, the essential factor to focus upon in this area of State law is that until quite recently there has been little or no enforcement of the mandate. Mandatory legislation, which has characteristically lacked meaningful provisions for actual enforement, has proven to be of limited value (EHA...1976, p. 134).

In addition, the Elementary and Secondary Education Act (ESEA) which provided the foundation for public law 94-142 had already included in its 1974 amendment (P.L. 93-380) many of the principles concerning the rights of handicapped children.

Laws were already in place and conscious efforts were being made to comply with the judicial decisions rendered in the early 70s in the so called "right to education" cases. Yet there was sufficient evidence to indicate that there existed an "implementation lag."

Statistics provided by the Bureau of Education for the Handicapped (BEH) indicated that a significant number of handicapped children remained unserved.

Despite court rulings that prohibit using insufficient funds as an excuse for not providing appropriate educational services, "...parents of a handicapped child or handicapped child himself must still to often be told that adequate funds do not exist to assure that child the availability of a free appropriate public education" (EHA..., p. 198).

Congress was concerned over the long range implications of these statistics. Ultimately, tax payers would have to spend considerable sums of money to provide for handicapped persons in institutions or on welfare. However, with proper educational intervention many handicapped children would be able to develop into productive citizens as opposed to becoming financial burdens upon society. Both the House and Senate recognized that they had a responsibility to provide the necessary financial assistance to the states for improved educational services to handicapped children.

This realization was re-enforced by testimony provided at public hearings held by the Senate Subcommittee on the Handicapped in various United States cities. According to the ensuing Subcommittee report, those persons who testified were generally unanimous in their agreement on the following points:

> (1) support for the basic thrust of S. 6; (2) recognition of the need for a final date in legislation by which time all handicapped children are to be provided a free appropriate public education; (3) support for Federal assistance to assure that the right of handicapped children are protected; and (4) awareness of the need for expansion of Federal assistance and responsibility in the area of education for handicapped children.

The Statement of Finding and Purpose found in Part A (General Provisions) of the statute provides insight into why this law was enacted by an overwhelming

vote, 87 to 7 in the Senate and 404 to 7 in the House.

SEC. 601. (b) The Congress finds that--

(1) there are more than 8 million handicapped children in the United States today;

(2) the educational needs of such children are not being fully met;

(3) more than half of the children in the United States do not receive appropriate educational services which would enable them to have full equality of opportunity;

(4) one million of the handicapped children in the United States are excluded entirely from the public school system and will not go through the educational process with their peers;

(5) there are many handicapped children throughout the United States participating in regular school programs whose handicaps prevent them from having a successful educational experience because their handicaps are undetected;

(6) because of the lack of adequate services within the public school system, families are often forced to find services outside the public school system, often at great distance from their resident and at their own expense;

(7) development in the training of teachers and in diagnostic and instructional procedures and methods have advanced to the point that, given appropriate funding, State and local educational agencies can and will provide effective special education and related services to meet the needs of handicapped children;

(8) State and local educational agencies have a responsibility to provide education for all handicapped children, but present financial resources are inadequate to meet the special educational needs of handicapped children; and

(9) it is in the national interest that the Federal Government assist State and local efforts to provide programs to meet the educational needs of handicapped children in order to assure equal protection of the law.

Though no one has critized the intent of this significant piece of legislation, several, including President Ford upon signing the bill into law, have expressed well-founded concern. The President cautioned:

This bill promises more than the federal government can deliver... and even

its strongest supporters know as well as I that they are falsely raising expectations by claiming authorization levels which are excessive and unrealistic. It also contains a vast array of detailed, complex and costly administrative requirements which would unnecessarily assert federal control over traditional state and local functions (Savage, 1977).

As stated in the statutes:

SEC. 601. (c) It is the purpose of this Act to assure that all handicapped children have available to them, within the time period specified in section 612 (2) (B), a free appropriate public education which emphasizes special education and related services designed to meet their unique needs, to assure that the rights of handicapped children and their parents or guardians are protected, to assist state and localities to provide for the education of all handicapped children, and to assess and assure the effectiveness of efforts to educate handicapped children.

The rules and regulations published in the Federal Register on August 23, 1977, provide guidance to the state and local educational agencies on how to meet the statutory mandates designed to fulfill its stated goals. The task is monumental and the legislation is complex. Though the goals are worthty of pursuing, in and of themselves, it is funds that provide the incentive for states to comply with the law.

Public Law 94-142 is a funding statement. It specifies the minimum standards for educating handicapped children and authorizes by formula the amount of funds which the Federal government may release to the states to help implement them. The following equation is used to compute each state's allocation:

National Average Expenditure (NAE) per pupil x __% x Number of Handicapped Children (NHC) served by the state.

The percent figure varies beginning at 5 percent in 1978 and escalating to 40 percent in 1982.

The NAE is determined by dividing the total number of funds spent by the state over a one year period for educating all elementary and secondary students by the average number of students receiving a daily free public education. In the original legislation the NHC was determined by averaging the number of handicapped children counted on October and February 1 of the preceding fiscal year. However, in the Educational Amendment of 1978, this was changed to a single count which is to be taken in December.

On the one hand, utilization of NHC in the formula sets up an incentive for states to seek and serve handicapped children; for, in essence, the amount of funds received is contingent upon the number of handicapped students served. On the other hand, Congress, to prevent over-labeling of children as handicapped, stipulated that for the purposes of determining allocations no state may report more than 12 percent of its total population as handicapped. In addition, only 2 percent of these may be counted as having Specific Learning Disabilities (SLD).

A word of caution needs to be interjected, it must be understood that the funding formula is only an "authorization" mechanism. It does not guarantee that Congress will appropriate the computed amount of dollars. The formula merely establishes the absolute ceiling beyond which no further dollars can be appropriated. Furthermore, in the event that the federal government does not have sufficient monies to fully fund all of the eligible students, the law has provisions for the available funds to be "ratably" reduced. However, regardless of the amount of available federal monies, the requirements imposed upon the states by this statute must be implemented.

The funding aspects of this legislation have drawn much criticism. Even members of the Congressional Committee who voted for H.B. 7217 expressed concerns about the authorization levels created by its funding formula. Congressmen Quie, Bell, Erlenborn, Buchanan, Pressler, and Goodling wrote

> The kindest thing that we can say about such authorization levels is that it is unrealistic. To expect or even suggest that it can be reached, given the restrictions and limitations of the Federal budget today and in the future is pure folly. ...we believe that authorizations more in line with what is achieveable would be a more honest way to proceed with this legislation.

Congressman Ashbrook stated "...it is totally unrealistic to hold out to the education community that we can spend from $2 to $4 billion yearly on this program" (EHA..., 1976, pp. 183-185).

Educators are skeptical over the success of a law that may falter under staggering cost. Charles Walker, an associate director in New Jersey's Educational Association, writes

> Can it work?
>
> If public law 94-142 follows the normal course of bureaucratic superficial funding measures, it will become at best a harassing paperwork drill for educators with no substantial benefits for students. ...the bottom line will be found in ways the new federal funds are spent.
>
> Ironically, the bureaucratic and private consultants at the Federal hearings and clarification forums would not allow any testimony directed to the funding question (Walker, 1977).

To date, Congress has backed public law 94-142 by allocating the full amount authorized. It remains to be seen if Congress will be able to fully fund

public law 94-142 as the escalating percent and number of handicapped children served increases the authorization levels in future years.

Federal funds under Part B of ESEA are released to the States only after the State Education Agency (SEA) submits its annual program plan to and receives approval from the United States Commissioner of Education. A second document of equal importance in allowing federal monies to "flow" through to the local school districts is the application of the Local Education Agency (LEA) to the State Commissioner of Education. Public law 94-142 is very specific in enumerating the content of both the SEA's annual program plan and the LEA's request for its entitlement. Each of these documents must: (1) set forth a detailed description of the policies and procedures that have been/will be established in order to meet the statutory goal of providing full educational opportunity to all handicapped children; (2) provide a description of the kind and number of facilities, personnel, and services needed to meet the Full Education Opportunity Goal, and (3) include assurances that all of the statutory rights and protections guaranteed to children and their parents or guardians are being upheld.

The annual State Program Plan and the plan of the local districts are regarded as official written documents and must be made available to the public. The LEA's application must conform in all aspects to the overall State Program Plan. Furthermore, it is the responsibility of the state to approve each LEA application and monitor compliance of all of the local school districts within the state. The United States Commissioner of Education in turn has the corresponding responsibility of monitoring the SEA.

Public law 94-142 also establishes priorities for which the funds must be utilized. The state must as its first priority locate, evaluate, and provide

service to unserved handicapped children who are within the age group for which the state mandates full educational opportunity. Secondly, the state must upgrade the quality of service to the most severely handicapped children within each disability who are receiving an inadequate education.

Parenthetically, after September, 1978, the second priority children should no longer exist, since the state must ensure that by that date all identified handicapped children will have available to them a free appropriate public education.

It is conceivable that a state or local school district might choose to forego the monies provided under this Act and thereby circumvent the conditions and mandates of the statute. However, the state would still have to guarantee almost identical rights and protection to handicapped school children as dictated by section 504 of the Vocational Rehabilitation Act Amendment of 1973 (P.L. 93-112).

Section 504 is the first federal civil rights legislation specifically designed to protect the handicapped. The language of section 504 is deceptively simple, but its impact is pervasive in situations where discrimination of the handicapped is practiced.

> SEC. 504. No otherwise qualified handicapped individual in the United States, as defined in Section 7 (6), shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Section 504 is basically a civil rights statement on the behalf of the handicapped and P.L. 94-142 is primarily a support program designed to financially assist states and localities in their efforts to educate the

handicapped. Though different, the two laws are extremely compatible especially in regard to their requirements for education. Both require: (1) a free appropriate public education; (2) least restrictive settings; (3) procedural safeguards; (4) time frames; (5) non-discriminatory testing, and (6) childfind activities.

States and districts that agree to comply with the requirements of P.L. 94-142 become eligible to receive federal funds. Any recipient of funds from the United States Department of Health Education and Welfare (HEW) must follow the requirements of Section 504. Non-compliance with 504 regulations may result in "termination of or refusal to grant or to continue Federal financial assistance" (P.L. 93-112, Sec. 80.8 (c)). Large sums of money are the lure with which the Federal Government encourages the States to comply with the tenents of both the Education of All Handicapped Children Act and its counterpart in civil legislation, the Vocational Rehabilitation Act of 1973.

There are various mechanisms built into P.L. 94-142 to foster achievement of its stated goals. Its funding formula provides the federal government with a "permanent" authorization mechanism for assisting States and localities in providing for the education of all handicapped children. It should be noted that the legislation has no expiration date and that under this formula authorization levels which began gradually will pass the billion dollar mark by 1982. The LEA's application submitted yearly to the State Commissioner of Education and the State Annual Plan submitted to the United States Commissioner of Education are one method of insuring the "effectiveness of efforts to educate" handicapped children. Coupled with these documents is the requirement that the United States Commissioner of Education provide annual reports to Congress and

the public. These reports are to contain data (e.g., the number of students served and unserved, the number of professionals employed, number of facilities, etc.) on the educational status of the nation's handicapped children.

Both the funding and tri-level reporting systems assist in assuring "that all handicapped children have available to them a free appropriate public education..." In addition, there are several key components in this law which assure that handicapped children receive "...special education and related services to meet their unique needs" and "that the rights of handicapped children and their parents are protected." The Rules and Regulations outline in detail many procedures designed to protect the rights of the handicapped child and his parents for each phase of service delivery beginning with the identification process.

As stated in the statutes

> SEC. 602 (1). The term "handicapped children" means mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, or other health impaired children or children with specific learning disabilities who by reason thereof require special education and related services.

The last sentence of this definition is of particular importance since it gives the definition an added dimension. First, it must be ascertained that the student has a disability, and secondly, that the disability is severe enough to require special education and related services. It must be emphasized that not all students with a disability require special assistance; many can and should attend regular school requiring no modifications in their programs. A child can be considered handicapped only if he requires specially designed instruction to meet his unique needs.

"Related services" refers to additional supportive services such as transportation, speech, physical and/or occupational therapy, recreation, counseling, etc., which are necessary to assist the handicapped student "to benefit from special education." Therefore, related services under this act, can only be provided to a student who requires special education. It must also be remembered that all students who need special education will require related service(s).

Each disability category is defined in the regulations in accordance with definitions held by their respective professional associations. Assessment procedures which assure that no single test will be used as the sole criterion for placement and that instruments used for "the purposes of evaluation and placement will be selected and administered so as not to be racially or culturally discriminitory." Detailed evaluation procedures are enumerated in sections 121a.530-121a.534 of the regulations. These sections stipulate that any test or evaluative instrument be:

> (1) . . . provided and administered in the child's native language or other mode of communication . . .
>
> (2) . . . validated for the specific purpose for which they are used;
>
> (3) . . . administered by trained personnel in conformance with the instructions provided by their producer;
>
> (b) . . . tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient;
>
> (c) . . . administered so as best to ensure that when a test is administered to a child with impaired sensory, manual, or speaking skills, the test results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills . . .

In addition to prohibiting any single procedure from being utilized as the sole criterion for determining an appropriate education program, the regulations require that the child be assessed in "all areas related to the suspected

disability" by a "multidisciplinary team" prior to any "initial placement" in a special education program. Furthermore, no procedures may be used selectively with an individual child unless the child's parent, guardian or surrogate parent has given his/her "consent."

"Consent" means that:

(a) The parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication;

(b) The parent understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) which will be released and to whom; and

(c) The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time (Sec. 121a. 500 of the 94-142 Regulations).

"Evaluation means procedures used . . . to determine whether or not a child is handicapped and the nature and extent of special education and related services that the child needs" (Sec. 121a.500(c) of the 94-142 Regulations). A full and individual evaluation must precede any placement decisions.

Placement decisions are to be based upon information drawn from a variety of sources such as achievement tests, teacher recommendations, social or cultural background, etc. The 94-142 Regulations emphasize the fact that "more than one source is to be used in interpreting evaluation data and making placement decisions." Placement decisions are to be made by a group of individuals which includes "persons knowledgeable about the child, the meaning of the evaluation

data, and the placement options" (Sec. 121a.533(3) of the Regulations). The resulting placement decision must be made in conformity with the construct of Least Restrictive Environment (LRE).

The statutory requirements of P.L. 94-142 state that:

> . . . to the maximum extent appropriate, handicapped children, including children in public or private institutions or other care facilities, are educated with children who are not handicapped, and that special classes, separate schooling, or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily . . . (Sec. 612(5) (B)).

This concept represents one of the most complex and controversial components of the Education for All Handicapped Children Act. "Much confusion and emotion currently exist in the field of education as to its (LRE) meaning, scope, and method of implementation" (Aloia, 1978).

Parents fear that their handicapped children will be thrown indiscriminately into classes with regular students. Teachers fear that the attention needed by severely handicapped children will disturb the ordinary procedures in the regular classroom. Residential school authorities fear that student populations will diminish.

It is obviously the intent of P.L. 94-142 to place each child as close as possible to the regular educational setting. On the other hand, according to the designers of the Law, there is no reason for a child

to be denied attendance at a residential school, if that is deemed the most appropriate placement (Parents and P.L. 94-142, 1977).

Basic to the construct of LRE is the law's requirement that each public education agency have available a continuum of alternative placements. This spectrum of educational options must include regular classes, regular classes with supplementary services (e.g., resource rooms and itinerant instructions), special classes, special schools, as well as hospital and homebound settings. "The purpose of a continuum is to be able to accommodate to differences between handicapped children in terms of the degree of special assistance they need to receive a FAPE (Free and Appropriate Public Education)" (94-142 Regulations, Appendix A, p. 42513). The law also requires that handicapped children participate with non-handicapped children in non-academic activities to the maximum extent appropriate.

A report by the House of Representatives Committee views the LRE component as a rights provision "to protect against indiscriminate placement of a child in a separate facility solely because the child is handicapped and not because special educational is needed in that setting" (94-142 Regulations, Appendix A, p. 42513). The rights of the non-handicapped student are also protected as pointed out in the comments, in the regulations related to this issue.

> . . . it should be stressed that, where a handicapped child is so disruptive in a regular classroom that the education of other students is significantly impaired, the needs of the handicapped child cannot be met in that environment. Therefore, regular placement would not be appropriate to his or her needs. . . (94-142 Regulations, p. 42497).

The overriding rule governing all placement decisions is that they must be made on an individual basis.

The Law seeks to insure that parents are active participants in the education of their child. P.L. 94-142 has built in a system of procedural safeguards, in the event that the parent is dissatisfied with the evaluation, placement, or individualized educational program developed for his/her child.

A parent has the right to: (1) inspect and review all educational records of his child; (2) obtain an independent educational evaluation, and (3) receive written prior notice a reasonable time before the public agency either proposes to or refuses to initiate or change the identification, evaluation, or placement of his child. If a parent disagrees with any aspect of the individualized educational opportunities that are being offered to his child, he may request an impartial hearing. Furthermore, it is incumbent upon the public agency to inform the parent of any available free or low cost legal relevant services upon request.

The law stipulates how and by whom the hearing is to be conducted. In a due process hearing either party has the right to: (1) be accompanied and advised by legal council and/or other individuals with knowledge and training relative to the needs of the child; (2) present evidence, call witnesses, and cross-examine witnesses, and (3) obtain a written or auditory transcript of the proceedings. The parent has the right to have his child present and to open the hearings to the public. During the proceedings the child in question is to remain in his present placement. If he is not attending school, he may be placed in a public program with the consent of the parent, until a decision is reached.

The law dictates the time frame within which the hearing is to be conducted and a decision rendered. There are also provisions for administrative appeal and impartial review if either party is dissatified with the decision

of the hearing officer. The decision of the reviewing official is final unless the aggrieved party chooses to exercise his right to initiate a civil action suit.

A due process hearing is a lengthy, time consuming, and expensive proceeding. The financial burden is carried primarily by the public agency. Costs are incurred for transcripts, the hearing officer, legal council, staff time, etc. There are also more subtle costs involved such as anxiety, emotional stress, and frustration which are shared by all. Therefore, hearings are usually initiated only after all other attempts to resolve the existing differences have failed.

> Comment: Many states have pointed to the success of using mediation as an intervening step prior to conducting a formal due process hearing. Although the process of mediation is not required by the statute or these regulations, an agency may wish to suggest mediation in disputes concerning the identification, evaluation, and educational placement of handicapped child, and the provision of a free appropriate public education to those child . . . In many cases, mediation leads to resolution of differences between parents and agencies without the development of an adversarial relationship and with minimal emotional stress. However, mediation may not be used to deny or delay a parent's right . . . (Sec. 121a.506 of the Regulations).

The component which many consider to be the most crucial in this entire piece of legislation is the Individualized Educational Program (IEP). The Law asks that an individualized education program be developed at a planning conference for each handicapped child. This, then, is the mechanism by which

each handicapped student is provided a free and appropriate public education (FAPE). The emphasis placed upon the IEP and its development in both the statutes and the regulations suggest the importance attached to it by the Congress. Comments stated in Senate and House Committee Reports and voiced during Congressional debates on the respective bills (S.6 and H.R.7217) underscore the value of the staffing conference and the IEP as well as provide insight into the intent of Congress when designing the legislation. The following are excerpts of various reports and debates found in a committee print prepared by the Subcommittee on the Handicapped, 94th Congress/2nd Session.

> The Committee has designed the individualized planning conferences as one method to prevent labeling or misclassification.
>
> . . . individualized planning conferences are a way of targeting the resources of our school systems on handicapped children. The conferences . . . will represent a cooperative effort on the part of the school, the parents, and the child himself, when appropriate, to meet the unique educational needs of the child (Senator Jennings Randolf of West Virginia).
>
> An additional benefit that will result from these conferences is one that is to often overlooked. Not only will the child be better served, and the parents better informed of the limitation their child has due to a particular handicap, but the teacher will learn from this experience as well. . . . it is hoped that participation in these conferences will have a positive effect on the attitude of the teacher toward the child, and an understanding of the child's problems in relating to his/her peers because of a handicapping condition (Senator Robert T. Stafford of Vermont).
>
> This conference is intended also to serve as a method of providing additional parent counseling and training so that the parent may bolster the educational process at home. . . . The conference is not a contractual relationship, but rather a cooperative effort (Senator Harrison Williams, Jr. of New Jersey).
>
> Because handicappped children are unique, setting up plans for each one makes good sense and by involving the parents in the development of such plans, the benefits begun hopefully would be continued at home. It is important to point out that it is an educational plan developed jointly, but it is not intended as a binding contract by the school, children, and parents (Representative Albert H. Quie of Minnesota).

The following statement is taken from the House of Representatives Committee Report No. 94-332:

The movement toward the individualization of instruction, involving the participation of the child and the parent, as well as all relevant educational professionals, is a trend gaining ever wider support in educational, parental, and political groups throughout the Nation.

Therefore, this legislation would require each local educational agency to develop with the child's teacher in consultation with the parents of the child (and in appropriate instances the child) an individualized education program. Such a prescription responds to three fundamental tenets:

(a) each child requires an educational plan that is tailored to achieve his/her maximum potential;

(b) all principals in the child's educational environment, including the child, should have the opportunity for input in the development of an individualized program of instruction;

(c) individualization means specifics and timetables for those specifics, and the need for periodic review of those specifics--all of which produce greatly enhanced fiscal and educational accountability.

It is interesting to note that the Senate version of the bill (S.6) provided for "an individualized planning conference, to be held at least three times a year." Senator Dole of Kansas calculated that:

. . . if we are going to hold at least 3 times a year an individualized planning conference for everyone who is handicapped, according to the definitions of this act, that is going to be about 24 million conferences and 24 million pieces of paper. That could be an administrative nightmare.

In the final version of the Act, it specifies that there will be at least two

conferences during the first year of the handicapped child's schooling. The first conference determines eligibility and placement, and the second develops the individualized program. (In practice, the eligibility and educational planning conferences are often combined into one staffing.) The Law also makes provisions for the IEP to be reviewed at least annually.

The language of the Act and the guidelines in the Regulations are very specific with respect to the definition, content, and formulation of the IEP. As defined in Section 602 (19) of the statutes

> The term "individualized education program" means a written statement for each handicapped child developed in any meeting by a representative of the local educational agency or an intermediate educational unit who shall be qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of handicapped children, the teacher, the parents or guardian of such child, and whenever appropriate such child, which statement shall include (A) a statement of the present level of educational performance of such child, (B) a statement of annual goals, including short term instructional objectives, (C) a statement of the specific educational services to be provided to such child, and the extent to which such child will be able to participate in regular educational programs, (D) the projected date for initiation and anticipated duration of such services, and appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether instructional objectives are being achieved.

The word "appropriate" derives its meaning from the IEP developed for each handicapped student. Because the definition of appropriate hinges on

the individual needs of the student for whom the IEP is being developed, it is important that the IEP reflect all the programing needs of that student. The committee developing the IEP may not restrict the child's program to what they believe the educational agency can presently provide.

The 94-142 Regulations stipulate that:

> Each public agency is responsible for initiating and conducting meetings for the purpose of developing, reviewing, and revising a handicapped child's individualized education program (121a.343).
>
> The public agency shall insure that each meeting includes the following participants:
> (1) a representative of the public agency, other than the child's teacher, who is qualified to provide, or supervise the provision of, special education.
> (2) the child's teacher.
> (3) one or both of the child's parents . . .
> (4) the child, where appropriate.
> (5) other individuals at the discretion of the parent or agency.
> (b) . . . for a handicapped child who has been evaluated for the first time, the public agency shall insure:
> (1) that a member of the evaluation team participates in the meeting; or
> (2) that the representative of the public agency, the child's teacher, or some other person is present at the meeting, who is knowledgeable about the evaluation procedures with the child and is familiar with the results of the evaluation (121a.344).
>
> The individualized education program for each program must include:
> (a) a statement of the child's present levels of educational performance;
> (b) a statement of annual goals, including short term instructional objectives;
> (c) a statement of the specific special education and related services to be provided to the child, and the extent to which the child will be able to participate in regular educational programs; .
> (d) the projected date for initiation of services and the anticipated duration of the services; and
> (3) appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the short term instructional objectives are being achieved (121a.346).

The staffing procedures in the resulting IEP have generated many concerns, debates, and surveys. The Connecticut Study which focused or various aspects of planning team conferences conducted in randomly selected elementary, junior,

and senior high schools during 1975 to 1966, yielded the following findings:

Special education teachers received more information than regular education teachers prior to the meeting.

Administrators and appraisal personnel dominated meetings.

Teachers tended to play passive roles; felt inhibited by principals' presence and thus had relatively small amount of participation.

Greater the amount of participation in meetings, greater the amount of satisfaction. Thus, teachers were becoming disenchanted with the meetings. An implication was that administrators must find ways of increasing teacher participation.

Most planning team members did not know the full purpose and scope of committee activities. Instructional staff know less about scope of activities than do administrators and support personnel. Areas of responsibility generally least understood by all role types were programing and evaluation.

Role of parents in planning team meetings not yet defined. Parents were expected to provide information to PT (Planning Team), but not to participate actively in decision-making.

Decisions made by one or two individuals of PT, and not through a decision-making process (National Association of State Directors of Special Education (NASDSE), 1978, p. 1 and 2).

In another study reported by NASDSE, IEPs were reviewed and analyzed and personnel were interviewed in school districts selected from California, Massachusetts, and Montana. Major findings in this study relative to IEPs follow:

The plan most often reflected the portion of the day that the child would spend only in special education activities and did not include the regular education portion.

For the most part, there was compliance with state law (the letter of the law). However, the quality (intent of the law) range was great. Plans varied from a simple ditto checksheet to a very sophisticated comprehensive document supported by materials.

There was a high degree of confusion over writing goals and objectives, especially in an individualized focus. The quality range from very vague (the majority) to highly detailed.

Staff said they needed training in IEP process and development.

Staff was afraid of accountability issue, even though regulations noted that the IEP was not a legally binding contract on teachers.

Time constraints were major concern (NASDSE, p. 3 and 4).

Project IEP, conducted during the period from December, 1976, to May, 1977, by NERO and Associates under contract to BEH, interviewed representatives from four states (Alabama, Wisconsin, New Jersey, and Washington). Based upon their interviews with parents and educators, the investigators identified several major issues and areas of concern.

Concerns were expressed over the changes in the relationship among Federal, State, and Local Educational Agencies brought about by public law 94-142. The conditions mandated in the legislation shifts the relationship from one which emphasizes consultation and technical assistance to one of monitoring and regulation. Apprehension was expressed relative to:

Development of inflexible standards and processes not responsive to local needs and conditions

Interpretation of standards set by external agencies as maximum, not minimum, criteria for programs, and

Teachers being held liable for the failure of children to attain specified goals and objectives (NASDSE, p. 6).

The new legislation with its emphasis on parent participation is changing the nature of home/school interactions. Project IEP investigators found that:

Parents and school personnel expressed concern that educators rely heavily on educational jargon which is noncommunitive to parents

Parents and school personnel felt that parents usually lack the knowledge and confidence to effectively question committee recommendations (NASDSE, p. 8).

Roger Kroth (1978) writes that:

Public Law 94-142 will be regarded by some educators as a threat and a challenge from parents and by others as an opportunity for parents and teachers to work together. Perhaps the major difference between the two

groups of educators is one of attitude, because to a certain extent the behaviors will be similar. Those who are fearful of the law will take steps to insure that confidentiality of information is insured, that children are tested in a nondiscriminatory manner, that individualized education programs (IEPs) are written with long and short term goals, that due process procedures are guaranteed, and that parents are notified of any changes in program.

Those who look forward to the opportunity for parents and teachers to plan cooperatively for the welfare of children will take the same steps. While one group will carefully collect and document offensive data (i.e., a log of the number of phone calls made and registered letters sent to parents informing them of placement decisions), the other group will be equally concerned with attempts to get parents actively involved in educational decisions regarding their own children. . . . in many ways it is unfortunate that laws must be past to insure dialogue between parents and teachers . . .

Another issue examined in Project IEP was that of the change in the role and status of teachers. Investigators found that teachers were concerned about "increased time at pupil planning meetings" and "increased time spent in clerical tasks." Teachers also expressed concern about:

Performing formal and informal instructional assessments

Developing annual goals and short term objectives

Teachers and directors stated that learning to project goals and objectives for a specific period of time and matching appropriate materials with goals and objectives tended to cause teachers the most problem

Managing individualized classroom instruction

Communicating with parents (NASDSE, p. 10).

The investigators also reported that teachers were concerned that the IEP provisions of P.L. 94-142 were "in essence, an expression of lack of faith in the ability of our nation's teachers to effectively educate handicapped children." In their findings, they listed that:

> Formal specification of goals, objectives, services, and methods is not required of teachers of nonhandicapped children, and
>
> The teacher accountability implied by the IEP is not required of teachers of nonhandicappped children (NASDSE, p. 10).

According to a memorandum prepared by the National Educational Association (NEA) P.L. 94-142 "will have implications for many terms and conditions of teachers' employment." As local districts attempt to fulfill the requirements of this legislation, the following subjects may find themselves topics of contract negotiations: work time/work load, teacher training, student discipline, and job security.

Implementation of P.L. 94-142 has already begun to bring about far reaching changes in our educational delivery systems. Full and meanful implementation of the law will require a commitment and concerted effort on the part of educators, parents and students (handicapped as well as non-handicapped). Reynolds (1978) points out that

> . . . some communities will go through the motions on IEPs and consume a great deal of time and resources, but will advance the cause of the handicapped by little or not at all. In the name of due process they may well undertake more process than is due, letting bureaucratic machinations overtake and mutilate the lofty purposes and enterprise invisioned by the makers of public law 94-142.

Mann and Chitwood (1977) write

> Laws by their very nature are precise, and in the eyes of the layman seem

to require a set response. Therefore, educators who are naive to the workings of the law often develop programs that attend to the letter of the law rather than its spirit or purpose. . . . what we have failed to understand is that there is freedom and flexibility within the law. Educators are free to develop innovative responses to legal mandates based on sound educational principals. . . . legal actions can be either a blessing or a curse, depending on the skill and creativity that educators are able to generate as they interact with law makers and respond to legal mandates.

Colson and Nevin (1978) state:

Neither litigation nor legislation can insure that educational practices will change as directed. Compliance and commitment to the intent of the Education for All Handicapped Children Act can only be demonstrated by individuals who are charged with the responsibility to educate children, and can only be as great as their individual competencies allow.

Perhaps the most realistic statement about the future of P.L. 94-142 was made by the legislators who formulated the law. The preamble to the proposed rules, repeated in the final regulations, reads:

The Department sees the development of regulations for implementing PUB. L. 94-142 as being an evolutionary process which will continue over a period of several years. The actual impact and consequences of the statutory provisions and problems which State and local educational agencies may have in implementing these provisions are not known at this time. Therefore, the Department feels that the most rational approach to follow is (1) to write minimum regulations at this point, and (2) to amend and revise such regulations in the future as need and experience dictate.

CHAPTER IV: Solution Strategy

There are many ways to share information; books, film strips, audio and visual cassettes, classes, seminars, and workshops. And indeed, each of these methods have been utilized in the dissemination of information about P.L. 94-142. There are many examples of commercially prepared materials on this topic. For the most part they are visually appealing, comprehensive in scope, and often use a multi-media approach. The major disadvantage of these items, in addition to frequently being expensive, is that they never seem to be exactly what you are looking for. They often require some modification in order to meet the particular needs of your audience. Another concern is that items on shelves, no matter how well they are prepared, are of little value if not utilized. Information gained at classes, workshops, and seminars is not always easily recalled in moments of need. For these reasons, the author has elected to outline a pithy and easy to understand booklet. This type of written material could be readily available and would provide Broward County teachers and other direct service personnel, key individuals in the implementation of P.L. 94-142, with the information they need in order to professionally fulfill their roles.

The author has read a considerable number of articles and books, attended several seminars and workshops, and reviewed a variety of audio-visual materials prior to outlining this handbook.

The format chosen for this booklet is one which does not have any permanent binding. Utilization of flexible binding allows for any necessary additions and/or deletions. It is felt that this characteristic is extremely important when dealing with content generated by a piece of dynamic legislation that was designed to be responsive to the individual needs of children.

Another feature of the selected format is the indexed design in alternating colors for easy reference. It is intended to help persons quickly locate specific information. It is hoped that this ease in pinpointing information will encourage persons to seek answers and/or direction to situations which may arise. All too often specific questions of the moment go unanswered or, even worse, are never voiced aloud!

The information selected for inclusion are those items felt to be most beneficial in assisting direct service personnel. A diligent effort has been made to correlate each item with the corresponding sections of the District Procedures.

By no means is this booklet intended to serve as a definitive work on P.L. 94-142. It is designed simply as an aid to the busy professionals upon whom a significant portion of the responsibility for breathing life into this legislation rests. It attempts to provide (1) a brief description of the essential components of the law, (2) responses to frequently asked questions, (3) suggestions for implementation which are intended to help meet the letter of the law as well as capture its spirit, and (4) resources for locating more extensive information. An outline of the proposed booklet has been included as attachment #5.

In summary, this writer believes that with proper implementation, this legislation has the potential to provide the impetus for positive change in general education as well as in special education. In order for P.L. 94-142 to be maximally effective, it must be thoroughly understood in content and, more importantly, in its intent.

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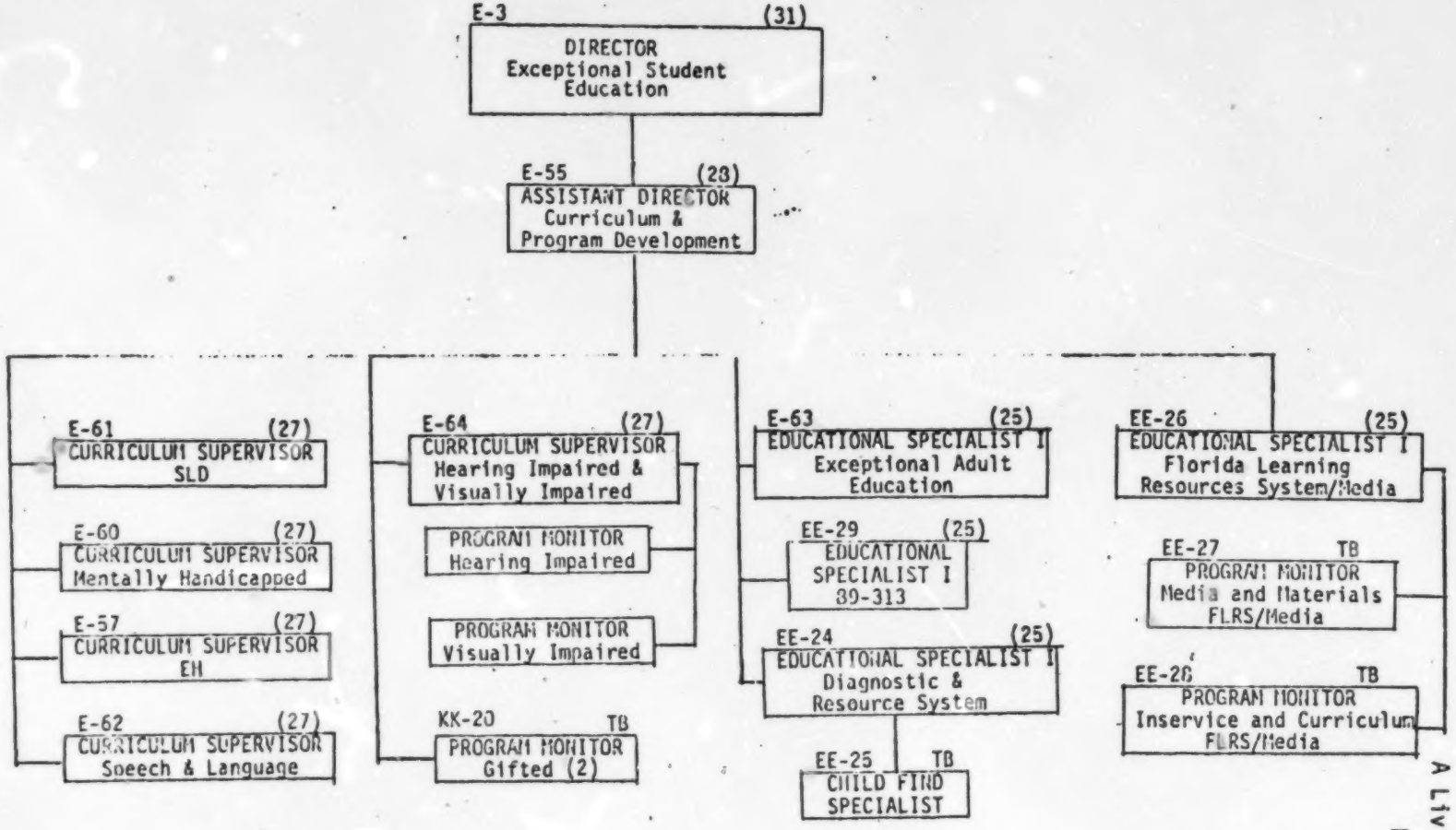
THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
1978-79 ORGANIZATIONAL CHART
ASSOCIATE SUPERINTENDENT, INSTRUCTIONAL PLANNING, RESEARCH & LEGISLATION
EXCEPTIONAL STUDENT EDUCATION

Attachment 1.



A Living Law
Page 49

According To The Law...

The law is often majestic in its wisdom. But sometimes, it's just plain silly. Take a look at these real but ridiculous laws. There ought to be a law against laws like these!

Massachusetts law says that it is a crime to lounge on shelves in a bakery.

In Rodefield, West Virginia, only babies are allowed to ride in baby carriages.

Pennsylvania forbids singing in the bathtub, and prohibits the sale of bathtubs.

In Denver it is unlawful to lend your vacuum cleaner to your next-door neighbor.

Atlanta makes it against the law to tie a giraffe to a telephone pole or street lamp.

And in Lexington, Kentucky, it is against the law to carry ice cream cones in your pocket.

The Dynamite Kids' Page

The people who make *The Dynamite Kids' Page* too hot to handle and too cool to miss are Linda Aber, Haig Adishian, John Kirshon, Sonia Black, and Jane Stine.

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Source: Miami Herald
Saturday, September 16, 1978

Attachment 2.

Paperwork Delays Special School Programs

By JOHN WILSON
Herald Staff Writer

Mrs. Barrett notices Sally in her third-grade class is having trouble reading. Mrs. Barrett has tried a number of techniques, but they don't seem to help.

Mrs. Barrett suspects Sally may have a learning disability that is preventing her from developing reading skills.

A learning disability is a problem in understanding written or spoken language, not related to mental retardation or hearing and vision problems.

For example, Sally may have good vision but may not be perceiving the letters correctly. Or she may be unable to remember three simple directions.

MRS. BARRETT refers the problem to the guidance counselor.

And there begins a problem that is frustrating Broward's guidance counselors, teachers, principals and parents. It is a problem that's keeping many kids in regular classrooms when they need special help and tying up the time of professional staff members.

The problem is called bureaucracy.

Though "Mrs. Barrett" and "Sally" are fictional, their situations are occurring in virtually every school in Broward County.

Because of the reams of paperwork and procedures required to place a child for just one hour a day in a learning-disabilities class, it could be six months or more before Sally gets into the program she needs — if she clears all the screening processes.

BETTIE McCOMB, guidance counselor at Nova Eisenhower Elementary, isn't one to complain. Two years ago she was selected as the nation's elementary guidance counselor of the year after winning the honor in Broward and then Florida. Her special programs for elementary students have won her nationwide acclaim.

"I slowly see those programs eroding," McComb said. "I'm afraid I'm going to do less and less with all the children."

"It's a paradoxical situation," she said. "These special programs were set up to help children. But we are so tied up with the paperwork, we have less time for warm, human contact. It's frustrating."

To other teachers, guidance counselors, psychologists and principals who are more outspoken, it's "an outrage." Though the guidance counselor in most elementary schools is the person in charge of the process, the impact of the paperwork reaches — and often consumes — the regular classroom teacher, the special-education teacher, the school psychologist (who usually is assigned to a number of schools) and even the principal.

To place just one child in a special-education class requires about 15 hours of professional staff time, according to McComb. Other counselors and psychologists have even higher estimates. At Nova Eisenhower, an average-sized elementary with about 700 students who have fewer problems than most, the special-education program involves 118 students.

ABOUT 30 new ones are referred every year. And, every three years, the old ones must go

Turn to Page 2B Col.

'Any time the federal bureaucracy is involved, there's going to be more paperwork. You can bet it's scary. It will take just about all year trying to get the kids into the right class.'

— James Maurer, school superintendent

Attachment 3.

As Forms Are Completed

FROM PAGE 1B

through the process all over again. And every year, conferences must be conducted with the parents of every student.

Now, McComb — who used to meet regularly with all the children in the school in small groups — estimates she is spending two-thirds to three-fourths of her time with the technicalities and the paper work of placing a child in a special-education program.

"It's nobody's fault," McComb contends. "Nobody is being ornery or mean."

The task of placing children into exceptional classes has always been awesome. But, educators complain, it's getting worse every year.

"Every year, somebody changes the forms and teachers have to go back and do it all over again," Bruce Hill, a learning disabilities teacher at Coconut Creek Elementary told the School Board last week.

AND, IT seems that every year an additional step — or two or three — is added to the process.

As it now stands, educators must go through an outlined 19 steps, some with sub-steps — and each one complete with a set of multi-copy forms — before a child can be placed in a learning-disabilities class.

For the other special-education areas — such as mentally retarded and emotionally disturbed — the problem is equally as awesome. Even identifying a super-bright child as "gifted" brings a series of forms almost as long.

Broward special-education officials claim that everything Broward educators are required to do is specified by the state. And, in turn, the state must comply with federal guidelines in order to qualify for federal funds under the newly implemented Education for All Handicapped Children Act, referred to in education circles as "Public Law 94-142."

And with the public law comes a series of forms with equally seemingly meaningless strings of digits following obscure acronyms.

"WE'VE GOT to make sure we're not requiring our people to do anything that isn't mandated by the state and federal government," said Superintendent James Maurer. "Any time the federal bureaucracy is involved, there's going to be more paperwork.

"You can bet it's scary," Maurer added. "It will take just about all year trying to get the kids into the right class."

While virtually no one in the school system is opposed to the federal legislation requiring a "free, appropriate public education" for all handicapped children, officials are feeling more and more restricted by the complex guidelines — all apparently designed to prevent children from being erroneously placed in programs.

"You've heard the horror stories from elsewhere in the country of children with genius IQs being placed in classes for the mentally retarded," McComb recalled.

Although educators claim they have no desire to erroneously place a child in a special-education program, their frustrations reached a peak last week at a meeting with Robert Browne, the School Board's new special-education director.

ALREADY UPSET with the paperwork and the six new administrative positions that had just been added to the county-level special-education hierarchy, the normally docile group of principals, guidance counselors, psychologists and a few special-education teachers booed and hissed at Browne, according to several who attended the meeting.

Browne reportedly opened the meeting by telling them they should not call him with their problems — that they should go to lower-level administrators.

"The whole thing started off on a negative note," said Maurer — who did not attend the meeting, but quickly heard about it. Maurer said Browne's remarks apparently had been "misconstrued."

But the meeting, several educators said, made a bad situation worse. "Morale is rock bottom," one counselor said after that meeting.

Despite the criticism the county-level special-education administrators receive, they claim they have been understaffed for years. "We just can't do it all ourselves any more," one administrator told the School Board.

THE BUREAUCRATIC tasks, they claim, haven't been any easier for them. They're the ones who have to spend hours poring over state and federal guidelines — and translating those into procedures for the teachers to follow.

If all the guidelines aren't met, Broward could be in jeopardy of losing millions in federal funds.

The work load in the administrative offices should be slightly relieved when the new positions are filled. But the responsibilities of the teachers and counselors remains the same. "We don't even have a confidential records clerk," said counselor McComb. "I don't think any school does.

"I don't want to come on as being totally frustrated," McComb said. "I don't think any kind of procedure should allow us to get away from the children."

But the problems of the teacher keep increasing, said Classroom Teachers Association (CTA) President Marjorie Head. "We are having a number of problems with special-education classes that are too large," she said.

AFTER THE long process of evaluating students for the programs, they are placed into special programs so they can receive more individual help from specially trained teachers.

But unlike the regular academic classes, the special-education program has no limits on class size. The CTA again is seeking those limits in contract negotiations, but the School Board so far has been unwilling to give in.

The complex requirements for a regular classroom teacher just to refer a child for a special-education program is coupled with the demands of the newly implemented — and state-mandated — pupil-progression plan, another burdensome clerical task, some teachers complain.

The CTA is seeking more teacher aides to help with the clerical work.

Attachment 3.

Step-by-Step Guide To Placing a Child

Here's the 19-step procedure educators must follow to get a child placed in a learning-disabilities class:

STEP 1 — Teacher must document two separate conferences that involve parents and an administrator.

STEP 2 — Teachers must document two "behavioral observations." One may be done by the classroom teacher; the other must be done by someone trained in teaching students with learning disabilities.

STEP 3 — Teacher must document two "educational alts (sic) placed in a learning-disabilities class.

STEP 1 — Teacher must document two separate conferences that involve parents and an administrator.

STEP 2 — Teachers must document two "behavioral observations." One may be done by the classroom teacher; the other must be done by someone trained in teaching students with learning disabilities.

STEP 3 — Teacher must document two "educational alternatives" — teaching techniques — that have been used in an attempt to solve the child's problem.

When steps one through three have been completed, a child may be referred for the next steps.

STEP 4 — Parents must sign a form called PS#2 2284 — E. That states they consent to the child being tested (if they don't sign, the process stops — unless the teacher and principal agree to pursue another "due process" route).

STEP 5 — Parents must fill out the "parent information survey" — a four-page questionnaire dealing with the status of the family and the child's physical health.

STEP 6 — The form (form PS#2 2956 — D) it's a referral card sent to the area office of the psychological services department. When the form comes back to the school, the child will have a "case number."

STEP 7 — This is vision screening, and, of course, it has a form to accompany it. In some schools, parent volunteers do this. The test, of course, attempts to determine if the child is having problems seeing and correctly perceiving what he or she sees.

STEP 8 — Hearing screening. With forms.

STEP 9 — Speech and language screening, usually done by a speech therapist.

STEP 10 — "Psychological Processing Assessment." This involves at least two formal tests, often administered by a psychologist, in an attempt to determine if the child is seeing and hearing things as normal children do. The tests also screens for problems in eye-hand coordination.

STEP 11 — "Academic Achievement Assessment." This also involves at least two tests, usually administered by a psychologist. It determines how well the child is doing in academic subjects. Generally speaking, if the child is two to three years behind, he or she may qualify for a learning disabilities class.

STEP 12 — Assessment by school psychologist, who administers an IQ-type test, plus "projective tests" to determine if the child has severe emotional problems that could be affecting school performance.

STEP 13 — Written psychological report prepared, naturally, by the psychologist, who considers everything in steps one through 12.

STEP 14 — Evaluation conference that must include the classroom teacher, the psychologist and a learning-disabilities teacher. They review all the data. At least two of them must agree the child is learning disabled, and then they write a report about it. If one disagrees, separate reports must be filed.

STEP 15 — Form ESE2. That goes to parents indicating the time and place of the next meeting that's required. If a parent doesn't respond, the form must be sent at least twice.

STEP 16 — "Staffing." This one includes a lot of "sub-steps," too. The principal (or a designee), the classroom teacher, the learning-disabilities teacher and the school psychologist — plus the child's parent — must meet to discuss the problem. If one of the required participants is sick that day, the whole process of organizing the meeting must be done again.

SUB-STEP 16A — Form ESE1 — 2984 to be signed at the staffing. It certifies the child's eligibility for the program and parent consent if the parent refuses. The process is usually thrown out — unless the teachers and principal want to take another circuitous "due process" route.

SUB-STEP 16B — Form ESE3 — 2983A. This one takes a lot of work. It's the individual education profile (IEP) stating the goals the special teacher hopes to achieve with the child, how those goals will be accomplished — and when they should be accomplished. When the staffing meeting step starts, the plan — prepared by the regular classroom teacher and learning disabilities teacher — should be a rough draft and parent input should be taken on the program.

SUB-STEP 16C — Parents must be given access to all the previous documents gathered, including test findings.

STEP 17 — Eligibility and placement approval. All the documents must be sent to the area special-education coordinator, who reviews the papers, initials them and returns them.

STEP 18 — Place the child in the program.

STEP 19 — "Educational program review." That's another meeting like Step 16 — with all the same participants in which the total accomplishments and the IEP are reviewed and revised. The parents again must be contacted in writing — at least twice.

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Attachment 3.

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

EXCEPTIONAL STUDENT EDUCATION
Robert J. Browne, Director
1005 East Broward Boulevard
Fort Lauderdale, Florida 33301
305/765-6667

PL 94-142 AND EXCEPTIONAL STUDENTS
INSERVICE SEMINAR
AGENDA
JANUARY 18, 1979

9:00 OPENING REMARKS:

PL 94-142 WHAT IT MEANS! WHAT IT REQUIRES!

Mr. Robert J. Browne, Director, Exceptional Student Education

9:30 AUDITING FOR COMPLIANCE

Ms. Kathy Leslie, Broward County School Board Internal Auditing Department

10:30 VOCATIONAL EDUCATION FOR EXCEPTIONAL STUDENTS IN BROWARD COUNTY

Ms. Meredith McCleary, Curriculum Supervisor for Exceptional Students
Department of Vocational Education
Broward County School Board

11:30: THE STATE PERSPECTIVE

Dr. Landis M. Stetler, Chief
Bureau of Education for Exceptional Students
Division of Public Schools
Department of Education
Tallahassee, Florida

Ms. Wendy Cullar, Administrator, Program Development and Evaluation
Bureau of Education for Exceptional Students
Division of Public Schools
Department of Education
Tallahassee, Florida

QUESTIONS AND ANSWERS

Attachment 4.